

**IN THE UNITED STATES DISTRICT COURT**  
**FORT THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>ERIC WATSON</b>	<b>:</b>	<b>VIOLATIONS:</b>
		<b>18 U.S.C. § 371 (criminal conspiracy - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(a)(1)(A) (false statement to a firearms dealer - 11 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (possession of a firearm by convicted felon- 7 counts)</b>
		<b>Notice of additional factors</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

1. Defendant ERIC WATSON was barred from legally purchasing or possessing a firearm because he had previously been convicted of a crime for which he could be punished by more than one year imprisonment.
2. Donyale Andrews, charged elsewhere, was the sister-in-law of defendant ERIC WATSON.
3. Firing Line, Inc. 1532 South Front St., Philadelphia, PA possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal law.

4. The South Philadelphia Gun Shop, 1144 South 9<sup>th</sup> St., Philadelphia, PA possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

5. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929) governed the manner in which an FFL holder may sell firearms and ammunition.

6. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a “Firearms Transaction Record,” ATF Form 4473.

7. The rules and regulations governing FFL holders prohibit persons from acting as “straw purchasers,” that is, a person who appears at the premises of an FFL and misrepresents that she is the actual purchaser of a firearm when in reality, she is acting as an agent for someone who is ineligible to purchase the firearm directly.

8. On ATF Form 4473, question 12.a reads as follows:

Are you the actual buyer of the firearm(s) listed on this form? **Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.**

Above the purchaser’s signature and date is a statement that includes:

**I certify that the above answers are true and correct. I understand that answering “yes” to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony.**

9. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

10. From in or about April 28, 2003 to in or about April 3, 2004, at

Philadelphia, in the Eastern District of Pennsylvania, defendant

**ERIC WATSON,**

in connection with the acquisition of the firearms listed below from the FFL holders listed below, conspired and agreed with Donyale Andrews, charged elsewhere, and others known and unknown to the grand jury, to commit offenses against the United States, that is to knowingly make false statements and representations with respect to the information required to be kept in the records of a federally licensed firearms dealer, in that Donyale Andrews certified on the Firearms Transaction Record, ATF Form 4473, that “Siani Hayes” was her true name, that she was the actual buyer of the firearms listed below and that she had not been previously convicted of a felony, when as defendant WATSON well knew, these statements were false and fictitious, in violation of Title 18, United States Code, Section 924(a)(1)(A):

<b>DATE</b>	<b>FFL HOLDER</b>	<b>FIREARM</b>	<b>SERIAL #</b>
April 28, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Beretta, 9mm pistol	BER442028Z
April 28, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Beretta, 9mm pistol	BER415011Z
July 19, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Sig Arms, 40 caliber pistol	SP10035364
August 2, 2003	The South Philadelphia Gun Shop 1144 South 9 <sup>th</sup> St Philadelphia, PA	Magnum Research, 9 mm pistol	32309767

October 9, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, 9mm pistol	TEU4964
December 2, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, 9mm pistol	VYY3355
December 2, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, .45 caliber pistol	TDU9222
March 7, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Heckler & Koch, .40 caliber pistol	26-062128
March 29, 2004	Firing Line, Inc. 1532 South Front St. Philadelphia, PA	Taurus, 9mm pistol	TVJ82305
March 29, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Sig Arms, .40 caliber pistol	SP0069395
April 3, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Kahr Arms, .40 caliber pistol	ZC0875

#### **MANNER AND MEANS**

10. It was part of the conspiracy that defendant ERIC WATSON directed Donyale Andrews to act as a straw purchaser, that is, appearing as if she was buying the guns for herself when in reality she was buying the firearms for defendant WATSON or others.

#### **OVERT ACTS**

In furtherance of the conspiracy, the defendant ERIC WATSON, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District

of Pennsylvania:

**On or about April 28, 2003:**

11. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for him.

12. Defendant ERIC WATSON drove Donyale Andrews to the Firing Line to purchase a gun for him.

13. At the direction of defendant ERIC WATSON, Donyale Andrews purchased two Beretta 9 mm pistols with cash provided by defendant WATSON.

14. Donyale Andrews completed two ATF Form 4473s in connection with the purchase of the Beretta 9mm pistols, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

15. After leaving the gun store, Donyale Andrews gave the two Berettas to defendant ERIC WATSON and received \$200.00 from defendant WATSON for purchasing the firearms for him?.

**On or about July 19, 2003:**

16. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for him.

17. Defendant ERIC WATSON drove Donyale Andrews to the Firing Line to purchase a gun for him.

18. At the direction of defendant ERIC WATSON, Donyale Andrews purchased a Sig Arms, 40 caliber pistol with cash provided by defendant WATSON.

19. At the Firing Line, Donyale Andrews completed an ATF Form 4473 in connection with the purchase of the Sig Arms, 40 caliber pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

20. Donyale Andrews gave the Sig Arms pistol to defendant ERIC WATSON and received \$100.00 from defendant WATSON for purchasing the firearm for him.

**On or about August 2, 2003:**

21. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for him.

22. At the direction of the defendant ERIC WATSON, one of defendant WATSON'S relatives drove Donyale Andrews to The South Philadelphia Gun Shop to purchase a firearm.

23. At the direction of defendant ERIC WATSON, Donyale Andrews purchased a Magnum Research 9mm pistol with money provided by defendant WATSON.

24. At the Firing Line, Donyale Andrews completed an ATF Form 4473 in connection with the purchase of the Smith and Wesson, 9mm pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

25. Donyale Andrews gave the purchased firearm to defendant ERIC WATSON, and received \$125.00 from defendant WATSON for purchasing the firearm for him.

**On or about October 9, 2003:**

26. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for him.

27. Defendant ERIC WATSON drove Donyale Andrews to the Firing Line to purchase a firearm for him.

28. At the direction of defendant ERIC WATSON, Donyale Andrews purchased a Smith and Wesson 9mm pistol with cash provided by defendant WATSON.

29. At the Firing Line, Donyale Andrews completed an ATF Form 4473 in connection with the purchase of the Smith and Wesson, 9mm pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

30. Donyale Andrews gave the Smith and Wesson to defendant ERIC WATSON and received \$125.00 from defendant WATSON for purchasing the firearm for him.

**On or about December 2, 2003:**

31. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for him.

32. Defendant ERIC WATSON drove Donyale Andrews to the Firing Line to purchase two firearms for him.

33. At the direction of defendant ERIC WATSON, Donyale Andrews purchased a Smith & Wesson 9mm pistol and a Smith & Wesson .45 caliber pistol with cash provided by defendant WATSON.

34. At the Firing Line, Donyale Andrews completed two ATF Form 4473s in

connection with the purchase of the Smith & Wesson 9mm pistol and the Smith & Wesson .45 caliber pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

35. Donyale Andrews gave the two Smith and Wessons to defendant ERIC WATSON and received \$225.00 from defendant WATSON for purchasing the firearms for him.

**On or about March 7, 2004:**

36. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for one of his relatives. Defendant WATSON informed Donyale Andrews that he gave his relative her phone number and that he would be calling her to pick her up.

37. A relative of ERIC WATSON called Donyale Andrews and arranged to pick her up and drive her to the Firing Line to purchase a firearm for the relative.

38. Donyale Andrews purchased a Heckler & Koch .40 caliber pistol at the Firing Line with money provided by defendant ERIC WATSON'S relative.

39. At the Firing Line, Donyale Andrews completed ATF Form 4473 in connection with the purchase of the Heckler & Kock .40 caliber pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

40. Donyale Andrews gave the firearm to defendant ERIC WATSON'S relative and received \$100.00 from him for purchasing the firearm for him.

**On or about March 29, 2004:**

41. Defendant ERIC WATSON asked Donyale Andrews to purchase a



firearm for him.

42. Defendant ERIC WATSON directed one of his relatives to drive Donyale Andrews to the Firing Line to purchase two firearm for him.

43. Donyale Andrews purchased a Taurus 9mm pistol and a Sig Arms, 40 caliber pistol with cash provided to her by friends of the defendant's relative while in the store.

44. At the Firing Line, Donyale Andrews completed an ATF Form 4473 in connection with the purchase of the Taurus 9mm and Sig Arms, 40 caliber pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

45. Donyale Andrews gave the Taurus 9mm pistol and the Sig Arms, 40 caliber pistol to defendant ERIC WATSON and received \$250.00 for purchasing the firearms for him.

**On or about April 3, 2004:**

46. Defendant ERIC WATSON asked Donyale Andrews to purchase a firearm for him.

47. Defendant ERIC WATSON drove Donyale Andrews to the Firing Line to purchase a firearm for him.

48. At the direction of defendant ERIC WATSON, Donyale Andrews purchased a Kahr Arms, 40 caliber pistol with cash provided by defendant WATSON.

49. At the Firing Line, Donyale Andrews completed an ATF Form 4473 in connection with the purchase of the Kahr Arms, 40 caliber pistol, falsely representing that her name was Siani Hayes and that she was the actual buyer of the firearm.

50. Donyale Andrews gave the Kahr Arms, 40 caliber pistol to defendant ERIC WATSON and received \$125.00 from defendant WATSON for purchasing the firearm for him.

All in violation of Title 18, United States Code, Section 371.

**COUNTS TWO THROUGH TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

At all times material to this indictment:

1. Paragraphs one through nine of Count One are incorporated here.
2. On or about the dates listed below, in the Eastern District of Pennsylvania,

defendant

**ERIC WATSON,**

in connection with the acquisition of each of the firearms listed below from the FFL holders listed below, knowingly made, and aided and abetted the making of, false statements and representations with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders' records, in that Donyale Andrews certified on the Firearms Transaction Record, ATF Form 4473, that "Siani Hayes" was her true name, that she was the actual buyer of the firearms listed below and that she had not been previously convicted of a felony, when as defendant WATSON well knew, these statement were false and fictitious:

<b>COUNT</b>	<b>DATE</b>	<b>FFL HOLDER</b>	<b>FIREARM</b>	<b>SERIAL #</b>
2	April 28, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Beretta, 9mm pistol	BER442028Z
3	April 28, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Beretta, 9mm pistol	BER415011Z

4	July 19, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Sig Arms, 40 caliber pistol	SP10035364
5	August 2, 2003	The South Philadelphia Gun Shop 1144 South 9 <sup>th</sup> St Philadelphia, PA	Magnum Research, 9 mm pistol	32309767
6	October 9, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, 9mm pistol	TEU4964
7	December 2, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, 9mm pistol	VYY3355
8	December 2, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, .45 caliber pistol	TDU9222
9	March 7, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Heckler & Koch, .40 caliber pistol	26-062128
10	March 29, 2004	Firing Line, Inc. 1532 South Front St. Philadelphia, PA	Taurus, 9mm pistol	TVJ82305
11	March 29, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Sig Arms, .40 caliber pistol	SP0069395
12	April 3, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Kahr Arms, .40 caliber pistol	ZC0875

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**COUNTS THIRTEEN THROUGH NINETEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about the dates listed below, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**ERIC WATSON,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, the firearms listed below:

<b>COUNT</b>	<b>DATE</b>	<b>PLACE OF PURCHASE</b>	<b>FIREARM</b>	<b>SERIAL #</b>
13	April 28, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Beretta, 9mm pistol Beretta, 9mm pistol	BER442028Z BER415011Z
14	July 19, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Sig Arms, 40 caliber pistol	SP10035364
15	August 2, 2003	The South Philadelphia Gun Shop 1144 South 9 <sup>th</sup> St Philadelphia, PA	Magnum Research, 9mm pistol	32309767
16	October 9, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, 9mm pistol	TEU4964

17	December 2, 2003	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Smith & Wesson, 9mm pistol Smith & Wesson, .45 caliber pistol	VYY3355  TDU9222
18	March 29, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Taurus, 9mm pistol Sig Arms, .40 caliber pistol	TVJ82305 SP0069395
19	April 3, 2004	Firing Line, Inc. 1532 South Front St Philadelphia, PA	Kahr Arms, .40 caliber pistol	ZC0875

All in violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offenses charged in all counts of this indictment, defendant ERIC WATSON:

a. Committed an offense involving 11 firearms, as described in U.S.S.G. § 2K2.1(b)(1).

2. Defendant ERIC WATSON committed the offense charged in Counts Thirteen through Nineteen of this indictment after having been convicted and sentenced as an adult over the age of 18 years in a court of the Commonwealth of Pennsylvania of a controlled substance offense, as defined in U.S.S.G. §2K2.1(a)(4)(A), Application Note 5, and U.S.S.G. §4B1.2(a) for the following offense:

a. Possession with intent to deliver a controlled substance offense, punishable by a term of imprisonment exceeding one year, for which he was sentenced on March 31, 1994, in the Philadelphia Court of Common Pleas.

**A TRUE BILL:**

\_\_\_\_\_  
**FOREPERSON**

\_\_\_\_\_  
**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**

